IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RFA No.486 of 1993
Date of Decision: 22.10.2008

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Ruldu Ram

....Appellant(s)

Vs.

State of Punjab and another

.... Respondent(s)

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CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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Present: None for the appellant(s).

Mr.N.S. Pawar, Addl. A.G. Punjab
for the respondent(s)

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RAKESH KUMAR JAIN, J.

This order shall dispose of 36 appeals i.e. RFA Nos.1948 to1953, Xobjection No.116-CI of 1993 in RFA No.1954, 1955 to 1971, 482 to 491, 563 & 564 all of the year 1993, as common questions of law and facts are involved therein.

The Land in village Sanaulian Hadbast No.115, Tehsil Rajpura, District Patiala was proposed to be acquired for the construction of Katha Kheri minor from R.D 4.541 to 10.300 km with the issuance of notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') dated 7/8.3.1988 followed by a notification of declaration issued

under Section 6 of the Act on 5/6.4.1988. The total area notified under Section 6 was 8.24 acre but on actual measurement carried out at the site, the area comes to 8.75 acres. Thus, there is an increase of 0.51 acres. The S.D.O. concerned has accepted the result of measurement of acquired land as correct and signed the Akas Sajra in token of its correctness, which was classified as under:

Chahi	24 Bighas	3 Biswas
Rousli	11 Bighas	0 Biswas
Gair-mumkin	5 Bighas	17 Biswas

The Land Acquisition Collector, SYL Canal Project, Patiala vide his award No.336/P-SYL dated 13.1.1989, awarded the compensation as under:

Chahi	Rs.60,000/- per acre
Rousli	Rs.50,080/- per acre
Gair-mumkin	Rs.35,040/- per acre

The land owners were aggrieved by the award of the Collector under Section 11 of the Act. Therefore, objections under Section 18 of the Act were filed alleging that whole of the land is Chahi / Nehri and some of it being irrigated by canal and tube-well, having high potentiality as it used to yield three crops in a year. It was also alleged that the acquired land has also got the potentiality for raising construction. In nut-shell claim of Rs.3 lac per acre was put up in the claim-petition(s) which was contested by the respondent(s)-State on the ground that the acquired land was being used for the agricultural purposes and used to yield two crops in a year and

has no potentiality for raising construction for commercial and residential purposes. It was denied that the value of the land was not less than Rs.3 lac per acre at the time of its acquisition.

The claimant/landlords examined Gurbax Singh, Patwari Halqa Harpalpur as PW -1 and Ved Parkash-claimant as PW-2. The claimants also tendered into evidence Ex.A-2, photocopy of the judgment dated 31.8.1989 passed by Hon'ble Mr.Justice G.R. Majithia, Ex.A-3 copy of the judgment dated 20.8.1987 passed by Hon'ble Mr.Justice G.C. Mittal, Ex.A-4 copy of the judgment passed by Hon'ble Mr.Justice G.C. Mittal, Ex.A-5 copy of the award passed by Sh. G.S. Khurana, Addl. District Judge, Patiala and closed their evidence.

On the other hand, the State of Punjab tendered the sale deed Ex.R1 to R3 and closed their evidence.

After considering the entire evidence on record, the learned Additional District Judge, Patiala vide his award dated 29.8.1992 re-determined the compensation of the acquired land for Chahi @ Rs.74,700/- per acre, Rousli @ Rs.63,495/- per acre and Barani @ Rs.40,446/-per acre, besides awarding all the statutory benefits as per the amended Act.

Mr.N.S. Pawar, Addl. A.G. Punjab, learned counsel for the State, arguing the appeals filed by the State of Punjab as well as opposing the appeals filed by the claimants/landlords has submitted that the reference Court has committed a grave error of law in not appreciating the evidence Exs. R-1 to R-3 led by the State which are the sale

deeds of the same village. According to the learned counsel for the State the value derived from the sale deeds Ex.R1 to R-3 are as under:

Ex.R-1	Rs.14,400/- per acre
Ex.R-2	Rs.25,319/- per acre
Ex.R-3	Rs.18,000/- per acre

I have heard learned counsel for the State and have perused the record with his assistance.

Insofar as the sale deeds Exs.R1- to R-3 are concerned, these have been rightly ignored by the Court below as the value arising out of these three sale deeds was less than the award of the Collector who had awarded Rs.60,000/- per acre for Chahi, Rs.50,080/- for Rasouli and Rs.35,040/- for Gair-mumkin land, whereas, the highest price in these three sale deeds is of Ex.R-2 i.e. Rs. 25,319/- per acre which is less than the award of the Collector and cannot be relied upon in view of Section 25 of the Act. No other point has been raised by the counsel for the appellant(s)/State.

No one has put in appearance on behalf of the claimants/landlords.

The reference court while determining the compensation in the present case, relied upon the previous award of this Court rendered in RFA No.2104 of 1985 vide which the market value of the land acquired for SYL on 14.12.1982 was assessed @ Rs.45,000/- per acre for Chahi and Rs.24,000/- per acre for Gair Mumkin. It was found by the reference court that no value for the Rousli land was assessed

in that case which is more valuable than the Gair Mumkin but less valuable than Chahi and in respect of the value of the Rousli land, it was assessed by giving deduction of 15% from Chahi land to the tune of Rs.38,250/- per acre. Since there is a time gap of six years between the issuance of two notifications i.e. the notification in RFA No.2104 of 1985 issued on 14.12.1982 and in the present case notification issued on 7/8.3.1988, the reference court has rightly awarded 66% increase and determined the compensation @ Rs.74,700/- per acre for Chahi land, Rs.63,495/- per acre for Rousli land and Rs.40,446/- per acre for Barani land; besides awarding other statutory benefits in terms of the provisions of the amended Act.

I do not find any error in the assessment of the compensation assessed by the reference Court nor anything has been pointed out by the counsel for the State in this regard. In view of the above discussion, I do not find any merit in the appeals, filed by the State of Punjab and the Landowners, as well in the Cross Objections. Thus, all the appeals, filed by both the State and Landowners, as well as the cross objections are hereby dismissed without any order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

22.10.2008
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